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A New York Limited Liability Partnership
Lawrence R. Sandak, Managing Resident Partner

October 9, 2012

Via ECF & Regular Mail

Hon. Frederic Block, U.S.D.J.
United States District Court - Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

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**Re: Morrison, et al. v. International Union of Operating Engineers, Local 14-14B,
AFL-CIO, et al.
Civil Action No. 1:12-cv-00301 (FB) (RER)**

Dear Judge Block:

This firm represents defendants Forest City Ratner Companies, LLC, Forest City Commercial Construction Co., Inc. and Forest City Enterprises, Inc. (collectively, the "Forest City Defendants") in the above-referenced matter. Pursuant to Your Honor's Individual Motion Practices, the Forest City Defendants respectfully request a pre-motion conference to address an anticipated motion to dismiss Plaintiffs' First Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6).

As the Court is aware, many of the named defendants have submitted substantially similar letters seeking permission to move to dismiss Plaintiffs' First Amended Complaint on the pleadings. So as not to burden the Court with a similar request, the Forest City Defendants seek to dismiss Plaintiffs' claims for the reasons set forth in the letters submitted by counsel for the "Contractor Defendants," as well as "Yonkers Contracting," "Turner," "Lend Lease," "Judlau," "Schiavone," "Monadnock," "DCM," "Sorbara" and "Skanska."

Additionally, Plaintiffs' Amended Complaint does not include any factual allegations directly related to the actions of the Forest City Defendants. Indeed, nowhere in the Complaint is there an allegation that the named Plaintiffs were even employed by the Forest City Defendants. Moreover, the Forest City Defendants did not employ Local 14-14B Operating Engineers during the relevant period. Accordingly, the Complaint *ab initio* does not meet the pleading standard in *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009) sufficient to state a plausible claim of discrimination against the Forest City Defendants.

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For the foregoing reasons, as well as those incorporated in the other defendants' submissions, the Forest City Defendants respectfully request a pre-motion conference and seek permission to file a motion to dismiss the claims against them. The Forest City Defendants are prepared to provide any additional information the Court may require.

Respectfully submitted,

s/Jeremy M. Brown

Jeremy M. Brown

cc: All counsel of record via ECF